

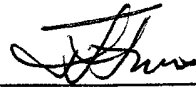
2503 AUG -8 PM 6:31
CLERK
US DISTRICT COURT
DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
W.R. GRACE & CO., <u>et al</u>)	Case No. 01-01139 (JKF)
)	(Jointly Administered)
Debtors.)	
)	Claim No. 00013911
)	
)	

08/08/2003 FRI 12:50 FAX 406 453 3844 PICKWICKS OFFICE CITY

Respectfully submitted this 8th day of August, 2003.

Lewis & Slovak, P.C.

By: 

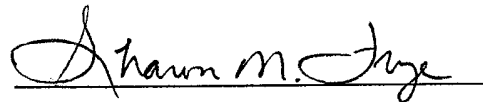
Tom L. Lewis
P.O. Box 2325
Great Falls, MT 59403
(Attorneys for Claimant)

CERTIFICATE OF SERVICE

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive) was served on the 8th day of August, 2003, by fax and by first class mail, upon the following:

James W. Kapp III, Janet S. Baer and Christian J. Lane
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, IL 60601

Scott E. McFarland
Pachulski, Stang, Ziehl, Young, Jones & Weintraub, P.C.
919 North Market Street 16th Floor
Wilmington, DE 19801



Shawn M. Joyce

BD- 001419

8/5/02

Soil samples collected (Date: 8-20-02)

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Primary Structure and Property Assessment Information Field Form

Field Logbook No.: 100094 Page No.: 83 Site Visit Date: 8/5/02 House
 Address: 158 Forest Ave Structure Description: 293-4359 8/5/02
 Occupant: Fredrick Drake Phone Number: 293-4359
 Owner (if different than occupant): _____ Phone Number: _____
 Sampling Team: C. Worthington K. Berry CDM
 Field Form Check Completed by (100% of forms): [Signature]
 Screening Field Check Completed by (2% of forms): _____

Data Item	Value	Notes
HOUSE ATTRIBUTES		
Property Description	<u>Residential</u> Industrial Commercial	
Surrounding Land Use	<u>Residential</u> Industrial Commercial School Mining Other: _____	
Year of Construction	<u>1960's</u> Unknown	early 60's late 50's
Square Footage	<u>1200 +/-</u>	
Construction Material	<u>Wood frame</u> Masonry/Stone Other: _____	
Number of Floors Above Ground	<u>1</u> 2 3 Other: _____	
Number of Rooms Per Floor Above Ground	1: <u>6</u> 2: _____ 3: _____ Other: _____	
Basement	Yes <u>No</u>	
Heating Source	<u>Wood</u> Coal <u>Electric</u> Propane/Gas Other: _____	
Heat Distribution	Forced air <u>Radiant</u> Other: _____	

8/14/02

CSS INFORMATION FIELD FORM (continued)

Address: 158 Forest AveBD# 001419

Data Item	Value	Notes
OCCUPANT INFORMATION		
Number of Adults/Employees	0 1 <u>(2)</u> 3 4 5-15 16-20 21-30 >30	
Number of Children	<u>(0)</u> 1 2 3 4 Other: _____	
Years at Location	<1 1-5 5-10 10-15 <u>(>15)</u>	1966
Was the residence/building remodeled?	<u>(Yes)</u> No If yes, When (years): <2 2-5 <u>(>5)</u> Where: Attic <u>(Living Areas)</u> Garage Basement Other: _____	
Has resident/business purchased any Libby vermiculite materials from W.R. Grace in the past?	Yes <u>(No)</u>	
Has the property at this location been used for a for-profit enterprise of distributing, treating, storing, or disposing of Libby vermiculite?	Yes <u>(No)</u>	
Are there any known areas of exposed vermiculite?	Yes <u>(No)</u> If yes, Where: Ceiling Walls Floors Attic Other: _____	

CSS INFORMATION FIELD FORM (continued)

Address: 158 Forest Ave

BD# 001419

Data Item	Value	Notes
INDOOR ASSESSMENT		
Vermiculite Insulation Past or Present	Attic: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Unknown Walls: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Unknown Basement: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Unknown Crawl Space: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Unknown Other: _____	Visual confirmation of current presence or absence required for attic. <i>6-8 inches of Fiberglass</i>
Evidence of Physical Damage?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
Evidence of Water Damage?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
OUTDOOR ASSESSMENT		
Libby Amphibole Sources Present	<i>Formal</i> Garden: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Yard: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Stockpiles: Yes <input checked="" type="radio"/> No <input type="radio"/> NA <input type="radio"/> Other: <u>Flower beds</u>	
Proximity to Other Properties with Potential Sources of Libby Amphiboles	Next door _____ <u>Within same block</u> Other: _____ Unknown _____	

CSS INFORMATION FIELD FORM (continued)

Address: 158 Forest Ave

BD# 001419

Data Item	Value	Notes
EXPOSURE ASSESSMENT		
Type and Frequency of Activity Near Vermiculite Material - Indoor	Frequency: <ul style="list-style-type: none"> Once a day Once a week Once a month Once a year <u>Not Applicable</u> 	Not Applicable applies when no vermiculite is present on the property.
	Duration of Contact: <ul style="list-style-type: none"> <1 hour 1-2 hours 2-4 hours >4 hours <u>Not Applicable</u> 	
	Extent of Contact: <ul style="list-style-type: none"> Heavy Moderate Light <u>Not Applicable</u> 	
Type and Frequency of Activity Near Vermiculite Material - Outdoor	Frequency: <ul style="list-style-type: none"> Once a day <u>Once a week</u> Once a month Once a year Not Applicable 	Not Applicable applies when no vermiculite is present on the property.
	Duration of Contact: <ul style="list-style-type: none"> <u><1 hour</u> 1-2 hours 2-4 hours >4 hours Not Applicable 	
	Extent of Contact: <ul style="list-style-type: none"> Heavy Moderate <u>Light</u> Not Applicable 	

CSS INFORMATION FIELD FORM (continued)

Address: 158 Forest Ave

BD# 001419

Data Item	Value	Notes
CONTAMINANT SCREENING STUDY ASSESSMENT		
Occupant Information		
Is there any knowledge of former miners, close relative of miners, or any highly exposed persons living or visiting the property?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	neighbors husband worked in retail store at champion
Is the resident, past or present, diagnosed with an asbestos related disease?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	1 out 4 doctors said they both had scarring
Indoor Information		
Does the interior have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Did the interior ever have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown NA	NA applies if attic currently has ZAI.
Are there vermiculite additives in any of the building materials?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Outdoor Information		
Is there any evidence of primary source materials <input checked="" type="radio"/> at or near the property?	Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	flower beds, ^{former} garden
Could this have been tracked indoors or otherwise spread outdoors on the property?	Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
Overall Assessment		
Are primary source materials present at the property?	Yes <input checked="" type="radio"/> No <input type="radio"/>	
Where are primary source materials located?	Inside <input type="radio"/> Outside <input checked="" type="radio"/> Both NA	
ADDITIONAL INFORMATION <u>NO DOGS</u>		

205/8

* Vermiculite observed

1. INTERFERED



BD- 001419

7/5/02 8/5/02

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET, SUITE 300
DENVER, CO 80202

CONSENT FOR ENTRY AND ACCESS TO PROPERTY

Name: Frederick Drake
Address: 158 Forest Ave
Libby, MT Phone: 293-4359

Address of Property for which consent for entry and access is being granted:

Same

Relationship to property: owner
(i.e., owner, tenant, etc.)

I, the undersigned, am the owner, their representative, or otherwise control the real property at the location described above. The Environmental Protection Agency (EPA) has requested entry and access to my property pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act as amended (Superfund), 42 U.S.C. 9601 et seq.

I consent to officers, employees, and authorized representatives of the EPA, including their authorized contractors, entering and having continued access to my property for the following purposes:

1. Visually inspecting the property, including the interior and exterior of any home or any other structures on the property;
2. the taking of such soil, bulk, or dust samples as may be determined to be necessary;
3. the taking of actions to mark or temporarily cover exposed vermiculite.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind. I certify that this Consent for Entry and Access is entered into voluntarily and constitutes an unconditional consent and grant of permission for access to the property by officers, employees, and authorized representatives of EPA at reasonable times.

8/5/02
Date

Frederick Drake
Signature

Location 158 FOREST AVE Date 8/5/02
Project / Client LIBBY ASBESTOS - EPA/VOLPE
DRAKE - BD001419

83

1600 ARRIVE AT 158 FOREST AVE
KAREN CONDUCTS THE PROPERTY INFO
FIELD FORM WITH FREDRICK. CHRIS
CONDUCTS THE ATK 1/2 PROPERTY NO
VISIBLE VERMICULITE IN THE
ATTIC. THERE IS VISIBLE VERMICULITE
IN THE FLOWER BEDS ON THE SOUTH
SIDE OF THE HOUSE AS WELL AS
IN THE FORMER GARDEN ON THE WEST
END OF THE GARAGE. A PHOTO
IS TAKEN.

Chris
8/5/02

CONTAMINANT SCREENING STUDY FIELD SAMPLE DATA SHEET FOR SOIL

Scenario No.: N/A Field Logbook No: 100/10 Page No: 24 Sampling Date: 8-20-02
 Address: 158 FOREST AVE. Owner: FREDERICK DONKE
 Business Name: /
 Land Use: (circle) Residential School Commercial Mining Roadway Other ()
 Sampling Team: (circle) CDM PES Other _____ Names: REX, CLIFFORD, WALTER, SMITH

Data Item	Sample 1	Sample 2	Sample 3
Index ID	CS- 04888	CS- 04889	CS- 04890
Location ID	SP- 115261	SP- 115262	SP- 115263
Sample Group	<u>YARD</u>	<u>YARD</u>	<u>FLOWERBED</u>
Location Description (circle)	Back yard Front yard Side yard Other _____	Back yard Front yard Side yard Other _____	Back yard Front yard Side yard Other _____
Category (circle)	<u>FS</u> FD of _____ Field Blank (lot or equipment)	<u>FS</u> FD of _____ Field Blank (lot or equipment)	<u>FS</u> FD of _____ Field Blank (lot or equipment)
Matrix Type (Surface soil unless other wise noted)	<u>Surface Soil</u> Other _____	<u>Surface Soil</u> Other _____	<u>Surface Soil</u> Other _____
Type (circle)	Grab Comp. # subsamples <u>5</u>	Grab Comp. # subsamples <u>5</u>	Grab Comp. # subsamples <u>5</u>
Sample Time	<u>8:20-11:40</u>	<u>11:50</u>	<u>1200</u>
Top Depth (in.)	<u>0</u>	<u>0</u>	<u>0</u>
Bottom Depth (in.)	<u>1</u>	<u>1</u>	<u>6</u>
Grid, Quadrant, Section			
Field Comments	BD- 001419 SOME VERMICULITE NOTICED IN THE FRONT YARD WHILE SAMPLING. PHOTO TAKEN.	SOME VERMICULITE WAS SEEN WHILE SOIL SAMPLING IN BACK YARD BY FORMER GARDEN PHOTO TAKEN.	SOME VERMICULITE WAS SEEN IN THE FLOWERBEDS WHILE SAMPLING PHOTO TAKEN.
	Entered ___ Validated ___	Entered ___ Validated ___	Entered ___ Validated ___

Field Team	Initial
Completed by	<u>WS</u>
QC by	<u>RC</u>

*DW
8/21/02*

CONTAMINANT SCREENING STUDY
FIELD SAMPLE DATA SHEET FOR SOIL

Scenario No.: 11A Field Logbook No: 100110 Page No: 29 Sampling Date: 8-20-02
Address: 158 FOREST AVE. Owner: FREDRICK DRAKE
Business Name: -
Land Use: (circle) Residential School Commercial Mining Roadway Other ()
Sampling Team: (circle) CDM PES Other Names: REGINA CLIPPOD, WALTON SMITH

Data Item	Sample 1	Sample 2	Sample 3
Index ID	CS- 04891		
Location ID	SP- 115264		
Sample Group	<u>DRIVEWAY</u>		
Location Description (circle)	Back yard <u>Front yard</u> Side yard Other _____	Back yard Front yard Side yard Other _____	Back yard Front yard Side yard Other _____
Category (circle)	<u>FS</u> FD of _____ Field Blank (lot or equipment)	FS FD of _____ Field Blank (lot or equipment)	FS FD of _____ Field Blank (lot or equipment)
Matrix Type (Surface soil unless other wise noted)	<u>Surface Soil</u> Other _____	Surface Soil Other _____	Surface Soil Other _____
Type (circle)	Grab <u>Comp. # subsamples 5</u>	Grab Comp. # subsamples _____	Grab Comp. # subsamples _____
Sample Time	<u>1210</u>		
Top Depth (in.)	<u>0</u>		
Bottom Depth (in.)	<u>6</u>		
Grid, Quadrant, Section			
Field Comments	<u>BD- 001419</u>		
	Entered ____ Validated ____	Entered ____ Validated ____	Entered ____ Validated ____

Field Team	Initial
Completed by	WS
QC by	RC

DW
8/21/02

24

Location 158 FOREST AVE Date 8-20-02Project Client 408X15805DS - VOLCO/CPA REGION 8
FREDRICK DRIVE SD-001919

1135 - ARRIVED AT RESIDENCE. WALK TO FRONT
COURTY AND DRIVE TO COLLECT SOIL SAMPLES
FROM THE FRONT/SIDE YARD, BACK YARD,
FLOWERBEDS, AND DRIVEWAY. 8-20-02

YARD
FRONT/
SIDECS- 04888 8/20/02 SP- 115261
5-POINT

1140 FDS 002125 COC-003335

YARD
BACKCS- 04889 8/20/02 SP-115262
5-POINT

1150 FDS. 002125 COC-003335

FLOWER-
BEDSCS- 04890 8/20/02 SP- 115263
5-POINT

1200 F.D.S. 002125 COC-003335

DRIVE-
WAYCS- 04891 8/20/02 SP- 115264
5-POINT

1210 F.D.S. 002126 COC-003335

GPS FILE # T5008202. VERMICULITE WAS
SEEN IN THE FRONT YARD, AND THE BACK YARD,
AND THE FORMER GARAGE, AND MAJORITY OF THE
FLOWERBEDS. PHOTOS WERE TAKEN. LEFT
RESIDENCE AT 1215 AND HEADED TO THE
COTM OFFICE. WENT TO LUNCH AT 1225.

Walt [Signature]
8-20-02